

FILED ELECTRONICALLYUNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**IN RE WORLD TRADE CENTER SITE
DISASTER LITIGATION****21 MC 100****GLENN GUNTHER and AMY GUNTHER****07 CV 5219 (AKH)****Plaintiff(s)****-against-****A. RUSSO WRECKING, et al.****NOTICE OF ADOPTION OF MASTER
ANSWER****Defendant(s)**

Pursuant to Case Management Order No. 6 (“CMO6”), the Master Answer to the Amended Master Complaint Against the City of New York, the Master Answer to the Amended Master Complaint for Construction Manager Defendants, the Master Answer to the Amended Master Complaint Against Contractor Defendants, and the Master Answer to the Amended Master Complaint Against the City of New York and the Fresh Kills Contractor Defendants were filed on January 15, 2008 (these four separate Master Answers are referred to collectively herein as “Master Answers”).¹

¹ These Master Answers are responsive to three separate Amended Complaints filed by Plaintiffs on and after August 18, 2006: (1) Amended Master Complaint Against the City of New York; (2) Amended Master Complaint Against Construction Manager Defendants; (3) Amended Master Complaint Against Contractor Defendants; and (4) the Amended Master Complaint Against the City of New York and the Fresh Kills Contractor Defendants which was filed on December 18, 2006 (referred to collectively herein as “Master Complaints”).

NOTICE OF ADOPTION

All headings and paragraphs in the Master Answers selected below are applicable to and are adopted by the instant Defendant as if fully set forth herein, in addition to those paragraphs specific to the individual Defendant, which are listed below.

<input type="checkbox"/>	Master Answer to the Amended Master Complaint for Construction Manager Defendants
✓	Master Answer to the Amended Master Complaint Against Contractor Defendants
<input type="checkbox"/>	Master Answer to the Amended Master Complaint Against the City of New York
<input type="checkbox"/>	Master Answer to the Amended Master Complaint Against the City of New York and the Fresh Kills Contractor Defendants

The Defendant **LOCKWOOD KESSLER & BARTLETT, INC.** indicated by Plaintiff(s) in “Section I. B.” of the Short Form Complaint Related to the Master Complaint (“Short Form Complaint”), by and through their attorneys, MILBER MAKRIS PLOUSADIS & SEIDEN, LLP, as and for their answer to Plaintiff’s Short Form Complaint, upon information and belief, allege as follows:

I.
PARTIES

A.
PLAINTIFF(S)

1. Defendant denies having knowledge or information sufficient to form a belief as to the truth of allegations one (1) through (and including) six (6) of Section “I. A.”

B.
DEFENDANT(S)

2. Defendant admits that what purports to be a list of all Defendant(s) named in the Master Complaint is in fact such a list. Defendant denies that the allegations contained in the Master Complaints are properly directed to the Defendant(s) indicated by Plaintiff(s) in Section “I. B.”

**II.
JURISDICTION**

3. Defendant admits that jurisdiction is proper under the bases set forth in "Section II," including the Air Transportation Safety and System Stabilization Act of 2001 ("ATSSA") and Federal Officer Jurisdiction, but deny that these are the only bases for federal jurisdiction.

**III.
CAUSES OF ACTION**

4. Defendant admits that Plaintiff is pursuing allegations based on the indicated causes of action in "Section III." Defendant denies these allegations.

**IV.
CAUSATION, INJURY AND DAMAGE**

5. Defendant denies the allegations contained in "Section IV" of the Short Form Complaint.

**V.
AFFIRMATIVE DEFENSES**

6. Defendant hereby adopt all affirmative defenses asserted in the Master Answers as if set forth in full herein.

Dated: White Plains, New York
April 23, 2008

**MILBER MAKRIS PLOUSADIS
& SEIDEN, LLP**

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